UNITED STATES PATENT AND TRADEMARK OFFICE

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10/604,875	08/22/2003	Dante Monteverde	35041/400300	1874

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EXAMINER
POLTORAK, PIOTR

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No. 10/604,875	Applicant(s) MONTEVERDE, DANTE
	Examiner Peter Poltorak	Art Unit 2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10/09/07_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-17 and 19-49_ is/are pending in the application.

⠀⠀4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-17 and 19-49_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

⠀⠀Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

⠀⠀Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

⠀⠀a)☐ All b)☐ Some * c)☐ None of:

⠀⠀⠀1.☐ Certified copies of the priority documents have been received.

⠀⠀⠀2.☐ Certified copies of the priority documents have been received in Application No. _____.

⠀⠀⠀3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

⠀⠀* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
⠀⠀Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
⠀⠀Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)⠀⠀⠀⠀⠀Office Action Summary⠀⠀⠀⠀⠀Part of Paper No./Mail Date 20080103

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth

in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

10/09/07 has been entered.

Response to Amendment

2. Applicant's arguments are directed towards the newly introduced limitations. These

arguments are addressed within this Office Action, below.

3. Claims 1-17 and 19-49 have been examined.

Claim Objections

4. Claim 4 is objected to because of the following informalities: "an analytical result"

should be "the analytical result".

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

5. Claim 29 is directed towards a system for anticipating a trustworthiness. However,

as it is clear from the specification, the claimed system is simply software. Thus, it is

not "any new and useful process, machine, manufacture, or composition of matter"

and, as a result, claim 29 is not directed towards the patentable subject matter.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6, 10-11, 13-14, 30-34, 40, 42-44 and 47-48 are rejected under 35

U.S.C. 102(e) as being anticipated by Cofta (USPUB 2003/0030680).

As per claims 1 and 30, Cofta discloses dynamically analyzing a site for

predetermined criteria related to trustworthiness of Internet sites (e.g. [0022-0023]

and [0056]), each of the criteria having a weigh point value, wherein, at least one of

the criteria has a different weighted point value from another of the criteria (e.g.

[0028]); determining amount of the criteria the site complies with, creating a trust

score from the weighted point values of the criteria that the site complies with and

creating an analytical result as an indicator of trustworthiness of the Internet site

based on the trust score [0024-0028], communicating to an Internet user the

analytical result [0026, Fig. 4E object 142, etc.).

7. As per claims 2-6, 10-11, 13-14, 31-34, 40 and 42-44 Cofta teaches that the

analytical result includes awarding numerical points for each criterion the Internet

site complies with ([0028]), providing a numerical representation of the

trustworthiness of the Internet site or scaled gauge (e.g. [0026 or Fig. 4C-E with

objects 122,132,142 respectively), determining if the Internet site is validated by an

independent third party validating service and if it has a verified authentication

certificate (e.g. [0055], Fig. 5 and associated text), wherein the Internet site supports

secure Internet transactions (e.g. [0066]), communicating the analytical result to the

Internet user independently of the Internet site (Fig. 6 and associated text).

8. As per claims 47-48, the analysis are completed based on the user

selected/requested site and as Fig. 4C-D (and associated text) disclose there may

be multiple sites requested by the user.

Claim Rejections - 35 USC § 102 or 103

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 15-17, 19-20, 25-26, 28-29 and 45 are rejected under 35 U.S.C. 102(e) as

anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cofta

(USPUB 2003/0030680).

Cofta discloses incorporating the invention in the Internet browser (e.g. [0015] and

Fig. 7) and although does not explicitly uses the term add-on Internet browser, Cofta

discloses that the browser could be Netscape (e.g. Fig. 7 and [0019]) and an

ordinary artisan would recognize that Netscape does not offer analyzing

functionalities disclosed by Cofta's invention. Even if, Cofta's invention would not be

offered as add-on in the Internet browser, including Internet browser add-ons would

have been an obvious variation that is well known in the art of computer software

(e.g. java applets). One would have been motivated to implement dynamic analyzes

especially in light of the benefits of these analyzes as evidenced by their commercial

success.

10. Claims 1 and 29-30 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the

alternative, under 35 U.S.C. 103(a) as obvious over Yang (USPN 7249380).

Yang (USPN 7249380) discloses analyzing the site for predetermined criteria related

to trustworthiness of Internet sites (e.g. a value P representing related to content of

the site; a value Q representing to owner of the site and a value S representing

relationships of the site and certificate authorities, col. 3 lines 13-27), each of the

criteria having a weigh point value (the values P, Q and S are combined to calculate

a total trust value for the site, col. 1 line 65-col.2 line 26, and each of these values

have different weight based on the weight of the subvalues, col. 7 line 35 – col. 8

line 10. Note that additional pages also illustrate the values being derived from the

subvalues), wherein, at least one of the criteria has a different weighted point value

from another of the criteria; determining amount of the criteria the criteria the site

complies with, creating a trust score from the weighted point values of the criteria

that the site complies with and creating an analytical result as an indicator of

trustworthiness of the Internet site based on the trust score (Total Trust Value, col.

11 lines 9-52); and communicating to an Internet user the analytical result (col. 11

lines 48-52).

11. Yang (USPN 7249380) does not explicitly disclose that the analyzes are dynamic.

However the limitation if not inherent, is at least implicit. Yang does not limits it's

invention to static analyzes (e.g. a particular, previously completed site analyzes) but

also, dynamic analyzes of content is an obvious variation that is well known in the

art, and one would have been motivated to implement dynamic analyzes especially

in light of the benefits of these analyzes as evidenced by their commercial success.

12. Yang also does not teach that at least one of the criteria has a different weighted

point value from another of the criteria. However, clearly different criteria are

calculated using various subvalues and it would have been obvious to one of

ordinary skill in the art at the time of applicant's invention to allow for different

weighted point values for different criteria given the benefit of more accurate

analysis.

Claim Rejections - 35 USC § 103

13. Claims 1-17, 20-49 are rejected under 35 U.S.C. 103(a) as obvious over

Browseaccelerator (Jan 2002).

As per claims 1, Browseaccelerator anticipates a trustworthiness of an Internet site

having content. In particular in "What it does" section, Browseaccelerator discloses

"7 distinct advantages". For example, Browseaccelerator discloses that: "One-Click

SiteDetails? helps you find the most trustworthy sites on the web. Just click on our

logo when a web site appears in your browser, and you'll view site information,

including: site age, email and postal addresses, popularity, last update, phone numbers and more. NEW! Now the details include web site traffic rankings."

This is a clear evidence of analyzing the site for predetermined criteria related to trustworthiness of Internet sites, determining an amount of the criteria the site complies with, creating an analytical result as an indicator of trustworthiness of the Internet site based on the amount of the criteria the site complies with, and communicating to an Internet user the analytical result.

Although, Browseaccelerator does not explicitly discloses that the site analyzing is dynamically obtained, not only Browseaccelerator clearly discloses that the invention offers the selection of "the finest web site for the job at hand" but also that the report uses 7MetaSearch.com, which is a search engine (see #2 of the sited section), and search engines dynamically analyze site.

Furthermore, even if Browseaccelerator was not to use dynamic analyzes, using dynamic analyzes of content would have been an obvious variation that is well known in the art. One would have been motivated to implement dynamic analyzes especially in light of the benefits of these analyzes as evidenced by their commercial success.

14. As per newly added limitations, Browseaccelerator does not disclose different weighted point value for the criteria.

However, assigning weights to criteria is well known in the art of computer security as well as the art of statistics (e.g. USPN 6304975, USPN 6272641, USPUB 20020133721 etc.) and it would have been obvious to one of ordinary skill in the art

at the time of applicant's invention to assign different weighted point values for the criteria given the benefit of more accurate and custom analysis.

15. Additionally, using another interpretation of the newly introduced limitations (different weighted point value: one value is higher or lower than other value), the examiner points out that Browseaccelerator invention evaluates a plurality of sites (e.g. more than 1,000); thus it is unreasonable to expect that the same criteria for each site would have the same weighted point value; thus the limitation "at least one of the criteria has a different weighted point value from another of the criteria" is at least implicit.

16. The ranking taught by Browseaccelerator in "7FaSST Search? facts" section is equivalent to trust score and utilizing weighted point value for the criteria, as discussed above, would clearly be used in creating the trust score.

17. As per claims 14-16, 30-31 and 44-45 Browseaccelerator discloses at least a portion of the content in an Internet browser and an independent of the Internet site Internet browser add-on displaying the analytical result within a tool bar incorporated into an Internet browser ("The Time Saver!" section).

18. As per claims 6-8, 12, 21-23, 27, 35-37 and 41 Browseaccelerator discloses searching the content email, phone number and postal address and determining a traffic ranking of the site ("The Time Saver!", "What it does" sections, etc.).

19. As per claims 4, 34, Browseaccelerator also does not explicitly disclose awarding numerical points for each criterion that the Internet site complies with. However, the limitation if not inherent is at least implicit. Computers work with numerical values

and evaluating whether a condition is met must involve assigning values numerical

points to which objects to be searched must be compared to.

Furthermore, even if (somehow) computers implementing Browseaccelearator's

invention would be configured to conduct evaluation without awarding numerical

points for each evaluated criterion, awarding numerical points for each evaluated

criterion is well known in the art of data analysis (see USPUB 2001/0056396,

2006/0265230 etc.), and it would have been obvious to one of ordinary skill in the art

at the time of applicant's invention to award numerical points for each evaluated

criterion given the benefit of achieving the most appropriate/fitting/accurate results.

20. Note, that even though claim 17 is addressed as equivalent to claims 2 and 32 (that

are addressed later in this Office Action), it would also be appropriate to consider the

limitations of claim 17 to be equivalent to the limitations of claim 4. Furthermore, as

per claim 29, computing devices inherently comprise means for summing

data/values.

21. Although, as per claim 46, Browseaccelerator does not explicitly disclose storing the

analytical result in a database, storing results in databases the limitation is at least

implicit, if not inherent. A set of data stored on a computer (computers need at least

a file system to store computer configuration files) reads on a database. As a result

by virtue of storing (even if temporarily) data (such as analytical result data) on a

computer (in the computer file system) reads on storing the data in a database.

However, even if it one was to disregard the idea of the set of the data stored on the

computer to be a database, storing data, such as analytical results, in a database is

well know in the art of computing (e.g. Internet Browser cache, Windows registry

etc.) and it would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to store data, such as analytical results, given the benefit of

speed and efficiency of data storage, access and retrieval.

22. As per claim 49, Browseaccelerator discloses presenting search results based on a

predetermined analytical result, which reads on excluding the Internet sites that do

not meet the predetermined analytical result.

However, even if Browseaccelerator teaching would not read on excluding the

results, such as Internet sites, that do not meet the predetermined analytical result,

disclosing the result that would include only meet a predetermine analytical result is

well known in the art of computing (e.g. search engine results), and it would have

been obvious to one of ordinary skill in the art at the time of applicant's invention to

implement such an exclusion given the benefit of efficiency and accuracy.

23. As per claims 2-3, 17, 20 and 32-33, Browseaccelerator does not disclose the

details on types of presentation of data (representation of analytical results) to a

user. In particular, Browseaccelerator does not disclose a numerical representation

or a scaled gauge representation.

However, presenting data to users using a numerical representation or a scaled

gauge representation is well known in the art of computing as well as in the art of

data analysis (refer to Microsoft Excel, USPUB 2003/0071814 or 2002/0013941 for

example), and it would have been obvious to one of ordinary skill in the art at the

time of applicant's invention to provide a user with numerical or a scaled gauge

representation given the benefit of usability.

24. As per claims 4-5, 17, 29 and 34, the step of awarding numerical points to each

criterion has been addressed above. However, the examiner would like to point out

that in addition to the inherent assigning of values to search/evaluation criterion in

computing (due to the computing devices operating on numbers), an ordinary artisan

in the art of searching/evaluating/analysis would readily recognize that it is well

known to award numerical points to each criterion based upon an influence that

each criterion has on the anticipated result of search/analysis (see USPUB

2002/0104014, 200/0174081, 2002/0004757 etc.), and it would have been obvious

to one of ordinary skill in the art at the time of applicant's invention to award

numerical points to each criterion based upon an influence that each criterion has on

the anticipated result given the benefit of providing more relevant results.

25. As per claims 9-11, 24-26, 38-40, although Browseaccelerator discloses determining

a trustworthiness of an Internet, Browseaccelerator does not mention determining

the Internet site supports for secure Internet transactions, presence of a verified

authentication certificate or a privacy statement.

However, an ordinary artisan in the art of computer security would readily recognize

that secure transaction support (e.g. SSL), digital certificates (e.g. X.509 certificates)

and privacy statements (either in the certificates or explicitly disclosed as a digital

content) are tools increasing confidence in an Internet site security/privacy (secure

transaction support ensures that the communication with the site is confidential, e.g.

encrypted; digital certificate increase confidence that the site is genuine; privacy

statement increases confidence that data is going to be kept private), and it would

have been obvious to one of ordinary skill in the art at the time of applicant's

invention to include determining these security/privacy features given the benefit of

providing a more comprehensive trustworthiness information on reported Internet

sites. (For applicant's quick reference, the examiner includes additional references:

Sun, NASA, WTOP).

26. As per claims 13, 28 and 42, the digital certificate statement reads on validation of a

site by an independent third party (see O'Reilly's "Web Security & Commerce", pg.

142-147, for example).

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

Pirolli (USPN 5835905),

Hegli (USPN 6606659),

Manahan (USPUB 2002/0124172).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Peter Poltorak whose telephone number is (571) 272-

3840. The examiner can normally be reached Monday through Thursday from 9:00

a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number

for the organization where this application or proceeding is assigned is (571) 273-8300.

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1/4/07

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